In the High Court of Punjab and Haryana at Chandigarh

C.R. No. 1764 of 2006
Date of Decision: 30.10.2006

Baldev Raj **---Petitioner**

Vs.

---Respondent
Satish Kumar and others

Coram: **Hon'ble Mr. Justice S.N.Aggarwal.**

***

Present: Mr.S.K.Jain, Advocate,
for the petitioner.
Mr.I.K.Mehta, Sr. Advocate,
with Mr. M.S.Kohli, Advocate,
for the respondents.

***

S.N.Aggarwal, J.(Oral)

The petitioner had filed a civil suit for permanent injunction against the respondents who are his brothers. An application for interim stay was also filed. The petitioner is alleged to be in possession of ½ share in the suit property which he had purchased from Gram Panchayat vide sale deed dated 29.7.2003. The said application was opposed by the respondents on the plea that dhaba was being run in the suit property by their father and sale deed has been got executed by the petitioner fraudulently. After considering the matter, the stay order was granted in favour of the petitioner by the Learned trial Court vide order dated 17.5.2004. The respondents filed an appeal and the learned Lower Appellate Court vide order dated 21.2.2006 accepted the appeal and directed that the parties would maintain status quo with regard to the possession over the suit property till final

decision.

Hence the present revision petition.

The case of the petitioner was that he had purchased ½ share of the property and the stay is relating to the ½ share which he has purchased. He has also admitted that remaining ½ share is in possession of the respondents. Learned counsel for the respondents also agreed to it but submitted that no partition wall exists between the two portions. The parties are directed not to interfere in each other's possession during the pendency of the suit.

The learned Trial Court shall also expedite the disposal of the civil suit pending between the parties, preferably within two years from the date fixed in the case after the receipt of a copy of this order

Disposed of.

Copy dasti on payment of usual charges.

(S.N.AGGARWAL)
JUDGE

OCTOBER 30, 2006
paramjit